THE MYSORE LUNACY REGULATION.

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SCHEDULE I.—FORMS.

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REGULATION No. I OF 1916.

A Regulation to consolidate and amend the law relating to Lunacy.

(Received the assent of His Highness the Maharaja on the 25th day of February 1916.)

Whereas it is expedient to consolidate and amend the law relating to lunacy; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title and extent.

1. (1) This Regulation may be called the Mysore Lunacy Regulation, 1916.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "asylum" means the asylum for lunatics established by Government at Bangalore:

(2) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from the asylum:

(3) "district court" means the principal Civil Court of original jurisdiction:

(4) "criminal lunatic" means any person for whose confinement in, or removal to, the asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1904:

(5) "lunatic" means an idiot or person of unsound mind:

(6) "magistrate" means a District Magistrate, Sub-Divisional Magistrate or a Magistrate of the first class specially empowered by Government to perform the functions of a magistrate under this Regulation:

(7) "medical officer" means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of Government to be a medical officer for the purposes of this Regulation:

(8) "medical practitioner" means the holder of the degree of Doctor, Bachelor or licentiate of medicine and surgery of any of the British or Indian Universities and any person trained in a medical college or school who holds a diploma or certificate granted by the Government of Mysore or by any Local Government in British India declaring him to be qualified to practice medicine, surgery or midwifery or be qualified for the duties of an Assistant or Sub-Assistant Surgeon:

(9) "prescribed" means prescribed by this Regulation or by rule made thereunder:

(10) "reception order" means an order made under the provisions of this Regulation for the reception into the asylum of a lunatic other than a lunatic so found by inquisition:

(11) "relative" includes any person related by blood, marriage or adoption: and

(12) "rule" means a rule made under this Regulation.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

Reception of Lunatics.

Reception of persons in asylums.

3. (1) No person other than a criminal lunatic or a lunatic so found by inquestion shall be received or detained in the asylum without a reception order save as provided by sections 7, 14 and 69.

Provided that the person in charge of the asylum may, with the consent of two of the visitors of the asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in the asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in the asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave the asylum.

Reception orders on petition.

Application for reception order.

4. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

Application by whom to be presented.

5. (1) The petition shall be presented, if possible, by—

(*a*) the husband or wife of the alleged lunatic, or

(*b*) by any other relative of his.

(2) If the petition is not so presented, it shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

Procedure upon petition for reception order.

6. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention of alleged lunatic pending inquiry.

7. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

Consideration of petition.

8. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Order.

9. At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same; and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition.

10. No reception order shall be made under section 6 or section 9, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(*a*) the Magistrate is satisfied that the person in charge of the asylum is willing to receive the lunatic, and

(*b*) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

Reception orders otherwise than on petition.

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

11. (1) Every officer in charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatics.

12. Whenever any person is brought before a Magistrate under the provisions of sub-section (1) of section 11, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into the asylum:

Provided that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned

that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

Order in case of lunatic cruelly treated or not under proper care and control.

13. (1) If it appears to the Magistrate, on the report of a police officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 12, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into the asylum.

Detention of alleged lunatic pending report by medical officer.

14. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 11 or section 13, the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary:

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Further provisions as to reception orders and medical certificates.

Medical certificates.

15. (1) Every medical certificate under this Regulation shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Regulation shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatic.

16. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate, has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

Authority for reception.

17. A reception order, if the same appears to be in conformity with this Regulation, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Copy of reception order to be sent to person in charge of asylum.

18. Any authority making a reception order under this part shall forthwith send a certified copy of the order to the person in charge of the asylum.

Detention of lunatics pending removal to asylum.

Detention of lunatics pending removal to asylum.

19. When any reception order has been made under Sections 6, 9, 12 or 13, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to the asylum be detained in suitable custody in such place as the Magistrate thinks fit.

Lunatic prisoners how to be dealt with.

20. (1) Where it appears to Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to the asylum or other place of safe custody within the State there to be kept and treated as Government directs, during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to Government that the prisoner has become of sound mind, Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within Mysore, or if the prisoner is no longer to be kept in custody, order him to be discharged.

Reception and detention of criminal lunatics.

Reception and detention of criminal lunatics.

21. An order under Section 466 or Section 471 of the Code of Criminal Procedure, 1904, or under Section 20 of this Regulation, directing the reception of a criminal lunatic into the asylum shall be sufficient authority for the reception and detention of any person named therein in the asylum.

Reception after inquisition.

Reception after inquisition.

22. A lunatic so found by inquisition may be admitted into the asylum on an order made by the District Court.

Order for payment of cost of maintenance of lunatic.

23. (1) When any lunatic has been admitted into the asylum in accordance with the provisions of Section 22, the District Court shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him:

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned.

Amendment of order or certificate.

Amendment of order or certificate.

24. If after the reception of any lunatic into the asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the asylum, one of whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

Appointment of visitors.

25. (1) Government shall appoint for the asylum not less than three visitors, one of whom at least shall be a medical officer.

(2) The Inspector-General of Prisons shall be a visitor *ex-officio* of the asylum.

Monthly inspection by visitors.

26. Two or more of the visitors, one of whom shall be a medical officer, shall once at least in every month together inspect every part of the asylum and see and examine, as far as circumstances will permit, every lunatic and boarder therein and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Inspection of criminal lunatics by Inspector-General or visitors.

27. (1) When any person is confined under the provisions of Section 466 or Section 471 of the Code of Criminal Procedure, 1904, the Inspector-General of Prisons, if such person is confined in a jail or the visitors of the asylum or any two of them, if he is confined in the asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined.

(2) Government may empower the officer in charge of the jail in which such person may be confined to discharge all or any of the functions of the Inspector-General under sub-section (1).

Discharge of lunatics.

Order of discharge from asylum by visitors.

28. (1) Three of the visitors of the asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in the asylum, and such person shall thereupon be discharged.